tary Department. It is found highly necessary to invest Sanitary Inspectors also with these powers. This amendment is to enable the Government to invest Sanitary Inspectors with police powers. I move that the Bill be read in Council.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

Secretary to the Council.—The title of the Bill is the 'Cochin Municipal Regulation Amendment Bill'.

Mr. Thomas Manjuran.— I move that the Bill be taken into consideration.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

The following sections were put and carried.

Whereas it is expedient further to amend the Cochin Municipal Regulation, XI of 1096, it is hereby enacted as follows:—

Short title and commencement.

1. This Regulation may be called the Cochin Municipal (Amendment) Regulation of 1109 and it shall come into force at once.

Substitution of a new section for section 228.

2. For section 228 of the Cochin Municipal Regulation, XI of 1096 as amended by Regulation II of 1102, the following shall be substituted :—

"228. The Government may empower any Municipal servant or any servant of the Cochin Public Health Department or any class of Municipal servants or any class of servants attached to the Cochin Public Health Department to exercise the powers of a Police Officer for the purpose of this Regulation and of the Cochin Nuisances Regulation, IV of 1098".

Mr. Thomas Manjuran.—I further beg to move that the Bill be taken up and passed to-morrow.

Mr. C.J. Mathew.—I second it.

Motion put and carried.

The House rose for lunch at 2 p. m. and met again at 3 p. m. with the Deputy President in the Chair.

Bill to amend the Press and Registration of Books Regulation.

Mr. Thomas Manjuran.—Sir, There are 3 Bills standing in my name all to be introduced to-day. These 3 Bills are in a way interconnected and I think the best plan to save unnecessary repetition will be to explain all these 3 Bills together. In Cochin, unlike the case elsewhere, there exists practically no Press Law worth the name. The only Regulation in force is Regulation VII of 1097 which is a copy, as it existed in 1097, of the British Indian Act XXV of 1867 which is an Act intended to control the publication of books and newspapers. But the amount of control introduced by the Regulation is next to noth-

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ing. So long as the publishers of books and of periodicals take care to make certain innocuous declarations, they could do practically whatever they liked without in any way being interfered with by the Government. That is the colourless Press and Registration of Books Regulation, Regulation VII of 1097. Fortunately Cochin never found the necessity of introducing any repressive measure, and, although these bills do contain some machinery intended to check the license of the gutter press, so to say, these measures certainly cannot be characterised as in any way repressive. They are at best certain contrivances to prevent the most rabid kind of publicist from doing permanent or widespread mischief. The Regulation VII of 1097 has been till now the only law that exists in this State with regard to the publication of books and periodicals. Every State in India has introduced some Press Law or other and it is very much to the credit of Cochin and a standing testimonial of the good sense of its citizens that our State never felt the necessity of introducing any repressive measure whatsoever.

Just to give an idea of what has been taking place around us:—In British India, so long ago as 1908 an Act was passed, called "An Act for the prevention of incitements to crime and for the prevention of other offences from newspapers". That act provided for the taking of security from newspapers and other periodicals which incited the people to commit crime. In the year 1910 the famous 'Rowlatt Act' was passed. That is Act I of 1910. As a result of the passing of that Act, presumably, widespread incitements to crime and the publication of seditious matter seem to have considerably abated and as a result of sustained agitation the Rowlatt Act was repealed in 1922 by what is called the Press Law Amendment and Repeal Act of 1922; that is to say, the wholesale provision for taking security from all periodicals was repealed. But the Repealing Act of 1922 introduced certain provisions which were considered to be the bare minimum necessary for safe-guarding the interests alike of the public and of decent publicists. Some of these latter provisions are included in one of the Bills that I am introducing to-day.

The Criminal Procedure Amendment Bill is based substantially upon the Act of 1922. In British India, however, after passing the Act of 1922 there was some recrudescence of incitements to crimes of violence and the British Indian Government found, by about the year 1930, that very stringent measures were necessary and as a result, an Act was passed in 1931 called the "Press Act XXIII of 1931", under which instead of the general provision to take security from all newspapers, as was enacted by the Rowlatt Act, provisions were introduced under which

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the newspapers that incited people to commit crimes of violence were made liable to furnish security. The emergency powers contained in that act are being extended year to year and those provisions together with the Act of 1922 and some ordinances now constitute the more effective Press Law of British India. In Travancore, a Regulation more or less corresponding to our Regulation of 1097 was promulgated in the year 1077 and continued to exist as such without any substantial amendment till 1101. Up to the year 1101, as I have already stated, the old regulation of 1077continued to be in force in Travancore. In the year 1101, a crop of irresponsible and scurrilous publications seems to have sprung up in that State with the result that the Travancore Government introduced stringent legislation more or less on the lines of the Rowlatt Act of 1910, authorising the Government *inter alia* to demand security, generally, for newspapers. I do not want to tax the patience of this Council by going into greater detail. I shall content myself by referring to the case of another Indian State, namely Baroda. Baroda, as we know, is one of the enlightened Indian States. In Baroda the District Magistrate is practically the Dictator of the Press, If he wishes that an offending newspaper should not continue publication, he could stifle its mischievous activities. He could easily eradicate the black legs of journalism. Surrounded as we are, thus, by states that were obliged, at some time or other, to introduce some form of legislation to control the licenseof the press, it was a wonder to all outsiders, and a standing testimony to the good sense of Cochin, that Cochin could go on without any Press Law till now. Recently however in 1108 and 1109, a crop of scurrilous and irresponsible journalism contaminated Cochin also.The mischief seems to have been started by some blacklegs who were compelled to migrate from Travancore. The "Nivarthanam" movement, some form of diluted non-co-operation was started in Travancore in the year 1108, Fierce political animosities were aroused. Finding Travancore too hot for some of the champions of 'Nivarthanam', they crossed the Cochin boundary and published all sorts of rubbishfrom Ernakulam and other points in our State. No more stinkinggutter stuff was ever published anywhere. Cochinites, including several Hon'ble Members of this House raised a hue and cry. They asked what the Government of Cochin was doing? Why do not the Government bring to book these foreign blaggards who were fouling the atmosphere of Cochin? Was not the honour of its womanhood and the good name of its citizens, no concern for the Government? The outcry was too intense that the Government had to take notice and here we are. TheGovernment in trying to cope with the situa-

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tion however could not forget their antecedants. Cochin had a name to maintain. Cochin had liberal institutions and did not want to stampede back to old or medieval times. The Government, hence, invoke only the minimum power necessary for the purpose. That is the reason why these bills are so extremely moderate in tendency. Now to take the measures one by one. I have already dealt with this Regulation briefly. I think I could not do better than read the statement of objects and reasons.

"This amendment is mainly intended to bring Regulation VII of 1097 into line, to some extent, with the British Indian Press and Registration of Books Act XXV of 1867, as amended up-to- date."

In Travancore and in British India there was often felt some difficulty in identifying the editors of newspapers. So the Press Regulation, in those States, were amended by introducing a clause that every newspaper should contain the name of its editor. "The amendment will remove any possible doubt or difficulty in the matter. The second important provision contained in the bill refers to the transmission of objectionable matter through the Cochin Anchal. It would never do to allow the Anchal Department to be abused for spreading scurrilous books or newspapers. Of these two provisions, one was taken from the British Indian Act of 1867 (as amended up-to-date) and the other from the Travancore Regulation of 1077. I submit that these new provisions are absolutely inoccuous and need not frighten any fair minded journalist publishers. They are only intended to prevent this 'hit and run' business started by these exotic journalists of the gutter who have chosen to descend on us from abroad. What they do is to cross over to Cochin put some dirty rags and return after broad-casting them. If there is trouble, they never appear again. If there is no trouble, they cross over again and repeat the performance. This Bill is intended to prevent that sort of thing by denying the Anchal Department to such people. But by denying the Anchal Department alone, however, we cannot effectively prevent the production and dissemination of that sort of literature. So something else also has to be done and that is attempted to be done by introducing an amendment to the Criminal Procedure Code. A word may now be said about that amending bill:—

"The main object intended to be achieved by this amendment Bill is to introduce sections 84 A and 84 B to 84 G in the Criminal Procedure Code. Sections 84 B to 84 G are ancillary to section 84 A. The latter section confers upon the Government power to declare certain publications forfeited and to issue search warrants for the same. All matters, the publication of which is punishable under section 120 or section 139 A or section 273 A of the Cochin Penal Code, are included within the purview of section 84 A. It may be mentioned herethat corresponding provisions were introduced into the British Indian Code of Criminal Procedure by Act XIV of 1922".

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"The last 2 paragraphs of the Amendment Bill are intended only to make certain modifications in the Criminal Procedure Code so as to fit in with the proposed amendment to the Cochin Penal Code".

"The Government while they gladly encourage all fair and decent journalism and other public expressions of opinion, are of course constrained to discourage the publication or dissemination of matters that come within the purview of section 110, 139 A and 273 A of the Penal Code. The Government cannot, for obvious reasons, stand by and allow seditious matter or matter inciting communal or religious war to be published or disseminated with impunity."

The idea is this. Government is given power, under certain conditions, when any particular newspaper or other publication becomes highly obnoxious or seriously objectionable to interfere. The Government may, in such cases, order the confiscation of the offending publication. When such an order is passed, Magistrates will have power to issue orders to Police Officers not below the rank of Inspector to enter upon premises when they are stored and take possession of the obnoxious publications. None but publicists who want to indulge in wantonly seditious or wantonly provocative articles need be frightened by this amendment and the proposed measure is quite mild when compared to the powers to demand security from newspapers generally. The objection that has been raised against such power, that exists in British India and in Travancore is that on account of the prohibitive nature of the security several newspapers had to be closed down. In the case of British India, the initial security is, I believe Rs. 2,000. And for delinquents the security is steadily enhanced. No such thing whatsoever is contemplated here. No decent journalist need be worried. So long as newspapers function at all in a decent manner, there is nothing for them to fear. But when the publication becomes dangerously obnoxious the Government may interfere and ask its Magistracy and Police to forfeit it. This may not be a radical cure and I dare say the Select Committee that will be appointed may think that it is not enough. Whatever that may be the Government has chosen to seek only the minimum remedy.

Mr. K. Ayyappan.—Will not the existing law be sufficient to deal with it?

Mr. Thomas Manjuran.—No. Then the 3rd is the Bill to amend the Cochin Penal Code. Here again, there are two new provisions. I shall deal with the second first namely, section 273 A.

"Whoever with the deliberate and malicious intention of outraging the religious feelings of any class of His Highness' subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both."

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This provision did not originally exist in the British Indian Penal Code. But on account of the serious nature of the intercommunal conditions that cropped up in the British India, the British Indian Government found it necessary to introduce such a measure in the year 1927. It was introduced by Act XXV of 1927, in the form of section 275 A of the I. P. C. In Travancore also there exists such a provision. So far not much trouble has arisen on account of intercommunal quarrel in Cochin on account of religious controversies. But unfortunately quite recently a few such cases came to the notice of the Government. I remember one recent case. An over-enthusiastic gentleman from Travancore published a book which contained some attacks on the founder of the Muslim faith. What his justification was to publish such a book is not known to me. Whatever that may be, the Muslim community took strong objection. When that gentleman could not sell the books in Travancore because the Travancore Government interfered, they were exported into Cochin. We looked about to see whether we could interfere, but found, to our great regret, that we could in the existing state of law do nothing. We do not want to be faced with a similar situation again. In this country, where we have several communities living side by side, it may become impossible for any community to thrive if other communities interfere with their religion. Ours is not a State similar to England or Germany or Ireland. We have in Cochin Hindus, Muslims, Ezhuvas, Christians, Jews and several other communities all following individual religions. It is necessary to prevent the recurrence of unfortunate accidents like the one that I referred to just now. The Government hence feel called upon to introduce such a measure.

"The provision contained in paragraph 3 of the Bill is intended to penalise what are called 'defamations of religion.' Section 120 of the Code penalises defamation 'of the State' just as section 139 A penalises defamation of 'a class of persons.' It was recently brought to the notice of the Government that statements tending to defame particular religions were being published in certain journals printed and published in the State..... The Government while it tolerates, without distinction, the practice of all forms of religion cannot, for obvious reasons, countenance or allow the defaming of a particular religion by the votaries of that or any other religion."

I hope the Hon'ble Members will find absolutely no difficulty in accepting this measure which is introduced in the interests of all communities, one and all alike, that exist in the State.

The second provision, which comes as the first in this Bill, is intended to prevent the defamation of foreign princes. Recently

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as a result of the Nivrithanam movement, some Travancore people crossed over to Cochin and published articles violently criticising the rulers of neighbouring States, and their administrations. It will not redound to our credit to stand by and allow that sort of thing to go on. We have to prevent such tactics and penalise the victimisation of the rulers and administration of neighbouring rulers.

"The first provision is that contained in paragraph 2 of the Bill and is intended to extend the operation of section 120 (Sedition) of the Cochin Penal Code so as to afford protection to such Indian Princes or the Government of such Princes as those whose names shall be declared by the Government, from time to time, in the Cochin Government Gazette."

The idea is that a certain amount of reciprocity is wished for and executed, that is to say, if we protect somebody else, that somebody should protect us in return.

Mr. K. Ayyappan.—Is there any such law in Travancore?

Mr. Thomas Manjuran.—I have some information to the effect that they are going to pass such a law.

This in brief explains the scope of these 3 Bills. As I have already stated, the various provisions contained in these 3 Bills are not of a contentious or obejctionable character. Nevertheless I think it will be fit and proper to have all these 3 Bills examined by Select Committees of this House. So, I am also moving that Select Committees may be appointed to examine the provisions of these Bills. With these preliminary observations, I beg to introduce the Bill to amend the Cochin Press and Registration of Books Regulation VII of 1097 be read in Council.

Mr. A. Sankara Poduval.—On a point of order, Sir, before it is seconded. We are entitled to a notice of 6 clear days. These Bills were published in the Gazette of last Saturday, that is, the 7th of Makaram, and they are published under section 29 of the Rules. We are entitled to 6 days to send in any amendment and the 6 days are not yet over.

Mr. Thomas Manjuran.—You will have 2 months' time.

Mr. A. Sankara Poduval.—That is after the Select Committee is appointed. There is absolutely no justification for the delay in the publication of these Bills, and in the light of the speech that my learned friend the mover made, there was some discussion about this matter in the Karkadagam sitting. More than 5 months have rolled on and Government was able to publish these Bills only on the 7th Makaram in the Gazette. From the 7th it is not 6 days and therefore I pray that these Bills may not be allowed to be moved to-day. These Bills deal with subjects about which some thought is necessary. Here, in Cochin we never had any law of this kind. We have been law-abiding; scurrilous literature is of recent growth. The provisions have

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to be studied closely. Members may have amendments to bring in. Even according to the rules, after the publication in the Gazette each member is entitled to a copy of a Bill. In this case, a copy seems to have been sent to each member before the publication in the Gazette. Each member is entitled to 6 days to send in his amendments. There is no urgency to rush it through. We appreciate the magnitude of the mischief sought to be averted and we may agree with some of the provisions of the Bill. But we want time for due deliberation.

Mr. Thomas Manjuran.—I am afraid the Hon'ble member for Trichur is labouring under a mis-apprehension. I am prepared to give him one month's time. Nobody ever heard of amendments being sent at the introduction of the Bill.

Mr. A. Sankara Poduval—I object on the ground of short notice.

Mr. Thomas Manjuran.—This is not the stage. This is only introduction—first reading. What is contemplated is to have Select Committees appointed to examine these Bills and after the Select Committees have submitted reports, every member will get a copy of the reports, and will have plenty of time for sending in amendments.

Nobody ever heard of amendments being moved at the stage of the introduction of Bills. This is not the stage of consideration of the Bill. This is only the first reading. What is contemplated to be done is to have Select Committees to examine these Bills and after the Select Committees have submitted reports Hon'ble Members will get copies of the reports and will have sufficient time to move amendments. S. O. 31 is to this effect:—"At any time after a Bill has been published in the Gazette or after leave to introduce has been given the member in charge of the Bill may introduce it". Supposing a Bill is of a controversial nature. No Government will want it to be rushed through the House. I am only asking for an appointment of the Select Committee.

Deputy President.—If it is so have you any objection to bring it at the next meeting?

Rama Varmha Tampuran.—Why should it be postponed, Sir?

Mr. Thomas Manjuran.—We are not now concerned with any point of order. No point of order arises under S. O. 31. The point of order arises only when a S. O. is violated or when any irregularity is committed. Here I am entitled under S. O. 31 to introduce the bill at any time after it is published.

Mr. K. T. Mathew.—Sir, I shall explain the matter. The motion before the House is introducing the Bill. To introduce the Bill means if the motion is accepted by this House, that this

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House has accepted the main principles of the Bill. But here we have not had sufficient time to study the Bill. The Government are not publishing and sending copies of the Bill to the non-official Members in time. A copy of the Bill was sent to my permanent address at Trivandrum after I left the place for attending the Council and even now I have not got it. This is not the first time that we had occasion to bring cases of this nature to the attention of the Chair. If we accept the introduction of the Bill now we accept the main principles of the Bill.

Deputy President.—When introducing the Bill the Member shall move that the Bill be read in Council. You may then oppose it.

Mr. A. Sankara Poduval.—I oppose the introduction of the Bill.

Deputy President.—Introduction itself you cannot oppose.

Mr. A. Sankara Poduval.— When it is published in the Gazette the leave to introduce is not necessary. If I don't oppose to the introduction of the Bill at this stage my purpose is defeated. It should not be understood that I am wholly against the Bill. Is it fair that a Bill should be allowed to be introduced in this Council to-day when it was published only on the 7th Makaram ? We oppose the introduction being against the spirit of section 31.

Deputy President.—Under what section ?

Mr. A. Sankara Poduval.—Under section 31.

Mr. K. T. Mathew.—S. O. 31 (3) reads as follows:—'If the motion be seconded, the principle of the Bill and its general provisions may then be discussed, and if the motion be carried, the Secretary shall read the title of the Bill. At that stage we can oppose the motion.

Mr. Thomas Manjuran.—You can. You can vote against it. I have moved, Sir. If the House thinks that it has to be postponed it can do it.

Mr. A. Sankara Poduval.—You may introduce it. But the President, in the exercise of his discretion can postpone it, under the aforesaid circumstances.

Deputy President.—I don't exercise that power. I give my ruling.

Mr. A. Sankara Poduval.—S. O. 71 is to this effect: "The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Regulation, the Rules or the Standing Orders". The framers of this Regulation could never have contemplated that a Bill published in the Gazette on the 7th of Makaram would be moved

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in the Council on the 10th. We want sufficient time to think over its provisions.

Deputy President.—I have given my ruling that I am not going to exercise that power.

Mr. C. J. Mathew.—I second the motion.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—സാർ, ലാ മെമ്പർ അവർകൾ ഈ ബില്ലുകളുടെ അവതരണാവശ്യത്തിനുള്ള ചരിത്രത്തെപ്പറ്റി പറയുകയുണ്ടായി. അതു മുഴുവൻ അവാസ്തവമാണ്. ഇതിനു് ഗവൺമെൻറു പറയാൻ പാടില്ലാത്തതായ വേറൊരു ചരിത്രംകൂടിയുണ്ടു്. തിരുവിതാംകൂറിലും, ബ്രിട്ടീഷിൻഡ്യയിലും ഈവക മർദ്ദനനിയമങ്ങൾ വടപ്പിലിരിക്കുന്നതുകൊണ്ടു് അവിടത്തെ ഗവൺമെണ്ടുകളോടു ജനങ്ങൾ ചോദിയ്ക്കുന്നതു്, കൊച്ചിയിൽഇതുമാതിരിയുള്ള മർദ്ദനങ്ങളൊന്നുമില്ലാതെ അവിടത്തെ ഗവൺമെണ്ടും ജനങ്ങളും രമ്യമായി കഴിയുമ്പോൾ നിങ്ങൾമാത്രം എന്തിനാണു് ഈ തോന്ന്യാസം നടത്തുന്നതെന്നാണു്. ഇതു് അവർക്കു സമാധാനമില്ലാത്ത ചോദ്യമാണു്. ഈയിടെ തിരുവിതാംകൂറിൽനിന്നുംമറ്റും നമ്മുടെ ഗവൺമെണ്ടുമായി ഇതുസംബന്ധിച്ചു ചില എഴുത്തുകുത്തുകൾ ഉണ്ടായിട്ടുണ്ടു്.

മിസ്റ്റർ തോമസ്സുമാഞ്ഞൂരാൻ.—എന്താണതു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—എന്തെങ്കിലും ആകട്ടെ. അതിൽനിന്നു എന്തുധരിക്കാമോ അതു ധരിച്ചാൽ മതി. ഇപ്പോൾ അവതരിപ്പിച്ചിട്ടുള്ള ബില്ലുകൾ തിരുവിതാംകൂറിലെ നിയമംപോലെ കുഴത്തല്ലെല്ലൊ; ബ്രിട്ടീഷിൻഡ്യയെപ്പോലെയും കുഴത്തല്ലെല്ലൊ? അങ്ങിനെയുള്ള ഒരുഗുണം ഈ ബില്ലിനുണ്ടെന്നു ലാമെമ്പർ പറയുകയുണ്ടായി. ഈ ഗുണങ്ങളൊന്നുമില്ലാതെ പഴയരീതിയിൽതന്നെ ഇരുന്നാൽ തരക്കേടെന്താണു് എന്നാണു ഞാൻ ചോദിക്കുന്നതു്. ഇതൊന്നുമില്ലാതെതന്നെ ഇപ്പോൾ സ്വീകരിച്ചിട്ടുള്ള വകുപ്പുകളും വളരെ അപകടമുള്ളതല്ലെന്നു പറഞ്ഞുകൂടാ. വ്യാഖ്യാനത്തിലാണു് അപകടം കിടക്കുന്നതു്. അതൊക്കെ വ്യാഖ്യാനിക്കുന്ന ആളുകളെ ആശ്രയിച്ചിരിക്കും. സെഡിഷനിൽ ഗവൺമെണ്ടിനെപ്പറ്റിയുള്ള ഏതു ന്യായമായ നിരൂപണവും വേണ്ടിവന്നാൽ ഉൾപ്പെടുത്താൻ പ്രയാസമുണ്ടായിരിക്കയില്ല. ഗവൺമെണ്ടിനെ രഹസ്യമായി നിരൂപണം ചെയ്യുന്നവരുടെനേരെയായിരിക്കും ഇതുമൂന്നു കുന്തങ്ങളും തിരിക്കുവാൻ പോകുന്നതു്. ആഭാസമായി എഴുതുന്നതിനെപ്പറ്റിയുംമറ്റും ഒരു നടപടിയും ഉണ്ടാകയില്ല. ഏതാനും ചിലർ ആഭാസമായി എന്തൊ എഴുതി എന്നുവെച്ചു ജനങ്ങളുടെ സ്വാതന്ത്ര്യം ഹനിക്കുവാനുള്ള നിയമങ്ങൾ ഗവൺമെണ്ടു ഉണ്ടാക്കുന്നതു സാഹസമാണു്. ആഭാസപത്രങ്ങൾതാനെ പോകും. അതിനു മർദ്ദനനിയമം ഉണ്ടാക്കേണ്ട ആവശ്യമില്ല. അഭിപ്രായസ്വാതന്ത്ര്യം ജനങ്ങളുടെ പ്രാഥമികാവകാശ

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മാണ്. ഡെമോക്രസിയുടെ ഒരുവലിയ അനുഗ്രഹമാണത്. നി
ങ്ങൾ ഫിറ്റ്ലർടേയും മുസ്സോലിനിയുടേയും മാതിരി വല്ല ഗുണ
ങ്ങളും ചെയ്യുന്നുണെങ്കിൽ ഞങ്ങളുടെ പ്രാഥമിക സ്വാതന്ത്ര്യങ്ങ
ൾ നശിപ്പിച്ചാലും ക്ഷമിക്കാമായിരുന്നു. അവരുടെ മാതിരി ഗുണ
മൊന്നും നിങ്ങൾ ചെയ്യുന്നില്ല. പിന്നെ അവരുടെമാതിരി മർദ്ദന
ങ്ങൾമാത്രം നടത്തുവാൻ നിങ്ങൾക്കു അധികാരമില്ല.

കൊച്ചിയിൽ ഈമാതിരി നിയമങ്ങൾ ഇല്ലാത്തതുകൊണ്ടു
ഒരുദോഷവും ഇല്ല. ഇതു മറുള്ളവർക്കുവേണ്ടി പാസാക്കുവാൻ
പോകുന്ന നിയമങ്ങളാണ്. മറുള്ളവർക്കുവേണ്ടി നമ്മൾ നമുക്കാ
വശ്യമില്ലാത്ത നിയമങ്ങൾ പാസ്സാക്കുന്നതു അഭിമാനകരമായിട്ടു
ള്ളതല്ല.

കൊച്ചിയിലെ ജനങ്ങളുടെ സ്വാതന്ത്ര്യത്തിനു ഹാനികരമാ
യ ഈ ബില്ലുകൾ പാസാക്കുവാൻ അനുദ്യോഗസ്ഥ മെമ്പർമാർ
ആരും അനുകൂലിക്കുവാൻ പാടില്ലാത്തതാണ്. ചിലപത്രങ്ങൾത
ങ്ങളെ ആഭാസന്മായി ആക്ഷേപിച്ചു എന്നോ മറ്റൊരുവെച്ചു് അ
വർ ഈ ബില്ലുകളെ താങ്ങുകയാണെങ്കിൽ അവർ ജനങ്ങളോടു വ
ലിയ അപരാധമായിരിക്കും ചെയ്യുന്നതു്.

മിസ്റ്റർ ചി. സി. വക്കി.—ഈ ബില്ലിനെ ഞാനും എതിർക്കു
ന്നു. ലൊമെമ്പർ അവർകൾ റെയിലറു് ആക്ടു് ഇവിടെ നടപ്പി
ലാക്കുവാൻ ശ്രമിക്കാഞ്ഞതിന്നായി ഞാൻ അദ്ദേഹത്തെ അഭിന
ന്ദിക്കുന്നു. റെയിലറു് ആക്ടിന്റെ വിവരങ്ങൾ എടുത്തുകാണി
ച്ചിട്ടാണു് ഈ ബില്ലിനെപ്പറ്റി ലാമെമ്പർ ഇവിടെ പ്രസംഗി
ച്ചതു്. റെയിലറു് ആക്ടു് ഒരുവിദേശ ഗവമ്മെണ്ടും സ്വദേശി
ജനങ്ങളും തമ്മിലുള്ള മല്ലിടിത്തത്തിൽ നിന്നും ഉണ്ടായതാണു്.
ആസ്ഥിതിയൊന്നും നമുക്കിവിടെ ഇല്ല. നമുക്കു് ഒരുപ്രകാരത്തി
ൽ പറഞ്ഞാൽ ഇവിടെ സ്വയംഭരണമാണുള്ളതു്. അതുകൊണ്ടു
അങ്ങിനെയുള്ള മല്ലിടിത്തത്തിന്റെ ആവശ്യമൊന്നും നമുക്കില്ല.
പൊതുജനങ്ങൾക്കും അവരുടെ ജഡ്ഡകളായ പത്രങ്ങൾക്കും വല്ലവ
ർത്തമായിട്ടു് മല്ലിടിത്തം നടത്തേണ്ട ആവശ്യം ഉണ്ടെങ്കിൽ അതു് ഉ
ദ്യോഗസ്ഥന്മാരായ ഗവമ്മെണ്ടുദ്യോഗസ്ഥന്മാരോടു മാത്രമാണു്. അ
കയാൽ ഇവിടെപൊതുജനാഭിപ്രായ പ്രകാശനസ്വാതന്ത്ര്യത്തെ
ഭഞ്ജിയ്ക്കുവാൻ തുനിയുന്ന നിയമം ഏർപ്പെടുത്തേണ്ട ആവശ്യം ഒട്ടുംതന്നെ
യില്ല. ഇങ്ങിനെയുള്ള ഒരുബില്ലിന്റെ ആവശ്യം മുഖ്യമായി നേരി
ട്ടതു് തിരുവിതാംകൂറിൽനിന്നു് ആരോ ഇവിടെവന്നു് ചിലമാസി
കകളും പത്രങ്ങളും പ്രസിദ്ധപ്പെടുത്തുകയും ആരേയൊ അതിരുകട
ന്നു ശകാരിക്കുകയും ചെയ്തതുകൊണ്ടാണെന്നു ലാമെമ്പർ പ്രസ്ഥാ
വിക്കുകയുണ്ടായി. തിരുവിതാംകൂറിൽനിന്നു വല്ലവരും ഇവിടെ
വന്നു് പത്രങ്ങളും മാസികകളും അച്ചടിപ്പിക്കുകയും അവയിൽ ആ
രോ ആഭാസലേഖനങ്ങൾ പ്രസിദ്ധപ്പെടുത്തുകയും ചെയ്തു എന്നി

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രക്കട്ടെ. ആ കാരണത്താൽ കൊച്ചീക്കാരുടെ പത്രസ്വാതന്ത്ര്യത്തെ ഹനിക്കാൻ മുതിരുന്നതു ന്യായമാണോ?

മിസ്റ്റർ തോമസ്സ് മാഞ്ഞൂരാൻ.—അശേഷം ഹനിയ്ക്കുന്നില്ല.

മിസ്റ്റർ പി. സി. വക്കി.—തിരുവിതാംകൂറിൽനിന്നും വന്നിരുന്ന മാസികാപ്രവർത്തകന്മാർ, അവരുടെപേരിൽ രാജ്യദ്രോഹക്കുറ്റം ചുമത്തി കേസെടുത്തപ്പോൾ അവരുടെ മാസികയുംനിരോധിച്ചുകൊണ്ടാണ് എന്റെ അറിവു്. അതിനുശേഷം അങ്ങിനെയുള്ള പത്രങ്ങൾ ഇവിടെ കാണ്മാനില്ല. അതോ എന്തോ കുറ്റംചെയ്തു എന്നു പറഞ്ഞുകൊണ്ടു് കൊച്ചീക്കാരെ ബുദ്ധിമുട്ടിയ്ക്കുന്നതു് ഉചിതമല്ല.

ഈ ബിൽ കൊണ്ടുവരുവാൻ വേറെ ഒരു കാരണവും ഞാമെന്മാർ പറയുകയുണ്ടായി. ഇവിടത്തെ പത്രപ്രവർത്തകന്മാർ പത്രസ്വാതന്ത്ര്യത്തെ ദുഷ്പ്രയോഗിക്കുന്നു എന്നാണത്രേ. അതിനു വളരെ ദൃഷ്ടാന്തങ്ങൾ കാണുകയില്ല. ഉണ്ടെങ്കിൽത്തന്നെ രാജ്യദ്രോഹംകൊണ്ടു അവകാശ ദുഷ്പ്രയോഗം ചെയ്യുന്നവരെ നേർവഴിയിൽകൊണ്ടുവരാവുന്നതാണ്. പത്രാധിപരുടെ ഉദ്യോഗസ്ഥന്മാർക്കും ദുഷ്പ്രയോഗിക്കാൻ കഴിയുമെന്നുള്ള സംഗതി ബില്ലിന്റെ പ്രയോക്താവു വിസ്മരിച്ചുകളഞ്ഞിരിക്കുന്നു. പത്രങ്ങളുടെ നീതിയുക്തവും കർമ്മവുമായ വിമർശനങ്ങളാൽ വിഷമിക്കുന്ന കൊള്ളരുതാത്ത ഒരു ഭരണാധികാരി പത്രാധിപരോഷനാകുന്ന ആയുധത്തെ ദുർവ്വിനിയോഗിച്ചാൽ എന്തുചെയ്യും? ദുഷ്പ്രയോഗം രണ്ടുഭാഗത്തുനിന്നും ഉണ്ടാകാമെല്ലോ. അങ്ങിനെയുള്ള ഉദ്യോഗസ്ഥമർദ്ദനങ്ങളിൽനിന്നും പത്രങ്ങളെ രക്ഷിക്കാൻ ഈ ബില്ലിൽ യാതൊരു വകുപ്പും കാണുന്നില്ല.

ഇപ്പോൾ ഏർപ്പെടുത്തുവാൻ ഉദ്ദേശിക്കുന്ന നിയമം പത്രസ്വാതന്ത്ര്യത്തെ തടയുവാൻ മാത്രമെ ഉപയോഗപ്പെടുകയുള്ളൂ. സത്യം പറയുകയാണെങ്കിൽ മലയാളപത്രക്കാർ ഗവർമ്മെണ്ടുദ്യോഗസ്ഥന്മാരുടെ കൃത്യനിർവ്വഹണത്തെക്കുറിച്ചു് പലപ്പോഴും ന്യായമായനിലയിലും, ചിലപ്പോൾ കുറെകൂടിയായും ആക്ഷേപിയ്ക്കേണ്ട ആവശ്യംനേരിടുന്നുണ്ടു്. അതു സെഡിഷ്യസാണെന്നും, നിന്ദാവഹമാണെന്നും (Grossly insulting) യഥേഷ്ടം വ്യാഖ്യാനിച്ചുകൊണ്ടു് ആ പത്രങ്ങളൊന്നും അഞ്ചലിൽ അയയ്ക്കുവാൻ പാടില്ല; പ്രസിദ്ധീകരിയ്ക്കുവാൻ പാടില്ല. എന്നൊക്കെ കല്പിക്കുകയും ഡിസ്ട്രിക്ടു് മജിസ്ട്രേട്ടിലോ, പോലീസിലോ അവരുടെ പേരിൽ കേസെടുക്കണമെന്നു തീർച്ചയാക്കുകയും ചെയ്താൽ അഴിമതികാരം വർദ്ധിക്കും. പത്രങ്ങൾ ഉദ്യോഗസ്ഥ ദുഷ്പ്രഭുക്കളുടെ കളിപ്പാട്ടങ്ങളായി പരിണമിയ്ക്കുകയും ചെയ്യും.

മിസ്റ്റർ ജോർജ്ജ് ചാക്യാമ്മറി.—കഷ്ടമാണ്!

മിസ്റ്റർ പി. സി. വക്കി.—ദുഷ്പ്രയോഗങ്ങൾ ഇരുഭാഗത്തുനിന്നും ഉണ്ടാകാവുന്നതാണ്. അതിനെപ്പറ്റി ആലോചി

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ച്ചിട്ട കാര്യമില്ല. ഇങ്ങിനെയുള്ള ഒരു നിയമം നടപ്പിലാക്കിയാൽ തീർച്ചയായും അതു പൊതുജന സ്വാതന്ത്ര്യത്തെ ഭഞ്ജിയ്ക്കുന്ന ഒരു ഏർപ്പാടായി തീരാതിരിക്കുകയില്ല. പൊതുജനാഭിപ്രായം പ്രബലപ്പെടണമെന്നു ആഗ്രഹിയ്ക്കുന്ന യാതൊരാളും ഈ ബില്ലിനെ അനുകൂലിയ്ക്കുവാൻ ഇടയില്ല. ഈ ബിൽ പത്രസ്വാതന്ത്ര്യത്തെ വളരെ ലഘുവായിട്ടു മാത്രമേ ബാധിയ്ക്കുകയുള്ളു എന്നു ലാ മെമ്പർ പറയുന്നു. പൊതുജനാഭിപ്രായത്തെ സബ്ലമായിട്ടെങ്കിലും ഹനിയ്ക്കുവാനുള്ള ഉദ്യമത്തെ ആരംഭത്തിൽ തന്നെ തടയാതിരുന്നാൽ അടുത്ത ദിവസം ആരും മിണ്ടരുതെന്നു വേറൊരു ബിൽ അവതരിപ്പിക്കപ്പെട്ടേക്കാം. ഇവിടെ യാതൊരാവശ്യവുമില്ലാതെ മറ്റു രാജ്യത്തു ഇങ്ങിനെ ചെയ്യുന്നു; അടുത്ത രാജ്യത്തു ഇങ്ങിനെ ചെയ്യുന്നുവെന്നെപ്പോം പറഞ്ഞു വെറുതെയിരിയ്ക്കുന്നവരുടെ വായടച്ചു കെട്ടണമെന്നല്ലോ എന്നാണു ഞാൻ ചോദിയ്ക്കുന്നതു്. ഈ നിയമം ഉദ്ദേശിക്കുകാർ ഇവിടെ വന്നു എന്തെങ്കിലും ചെയ്തിട്ടുണ്ടെങ്കിൽ അവരെ തക്കതായി ശിക്ഷിയ്ക്കുവാൻ ഇവിടെ പീനൽ കോഡുണ്ടു്. അതനുസരിച്ചു പ്രോസിക്യൂട്ട ചെയ്തു ശിക്ഷിയ്ക്കാതെ പത്രപ്രവർത്തനത്തിനുള്ള സ്വാതന്ത്ര്യത്തെ ഹനിയ്ക്കുന്നതു് ഒരു വിധത്തിലും പൊതുജന ഹിതത്തിനനുകൂലമായി തീരുന്ന ഒരേർപ്പാടാകയില്ല. ചില പത്രങ്ങൾ അഭാസത്തം പറയുന്നുവെന്നാണു് ഈ നിയമം നടപ്പാക്കുവാനുദ്ദേശിക്കുന്നതിനു് ഒരു കാരണമായി പറയുന്നതു്. മുക്കം ചില പത്രങ്ങൾ വല്ല സഭ്യേതരങ്ങളായ ലേഖനങ്ങളും പ്രസിദ്ധപ്പെടുത്തിയതു് ഭൂരിപക്ഷം പത്രപ്രവർത്തകന്മാരുടെ സ്വാതന്ത്ര്യത്തെ തടയാൻ മതിയായ കാരണമാകയില്ല. ഏറ്റവും പരിഷ്കൃതങ്ങളായ രാജ്യങ്ങളിൽ പോലും മുക്കം ചില പത്രങ്ങൾ നേർവഴിയിൽനിന്നു വ്യതിചലിയ്ക്കാറുണ്ടു്. ഇംഗ്ലണ്ടിൽ നടക്കുന്നതെന്താണു്? അവിടെയുള്ള ചില പത്രങ്ങളിൽ പ്രസ്താവിച്ചിട്ടുള്ള കാര്യങ്ങൾ വായിച്ചു നോക്കിയാൽ അവിടെ പത്രങ്ങൾക്കു ഇത്രയും സ്വാതന്ത്ര്യം അനുവദിച്ചു കൊടുത്തിട്ടുണ്ടെല്ലോ എന്നു നാം വിസ്മയിച്ചുപോകും. ഏതായാലും നല്ല പത്രക്കാരുടെ സ്വാതന്ത്ര്യത്തെക്കൂടിയും ഇല്ലാതാക്കത്തക്ക വിധത്തിലുള്ള ഒരു നിയമം ഏർപ്പെടുത്തുന്നതു് ഏതൊരു പരിഷ്കൃത ശമ്മെണ്ടിനും നന്നല്ല.

ഇനി ഒരു സംഗതി കൂടി എനിയ്ക്കു പറയാനുണ്ടു്. രാജ്യഭരണ സംബന്ധമായും സാമ്പത്തീകമായും ഉള്ള നിലകളെ നന്നാക്കുന്നതിനു് സ്വാതന്ത്ര്യമായ അഭിപ്രായ പ്രകടനം അത്യാവശ്യമായിട്ടുള്ളതാണു്. അതില്ലാതിരുന്നാൽ പൊതുവേ ജനങ്ങൾ ശ്വാസം മുട്ടി ഉരിയ്ക്കുകയേ നിവൃത്തിയുള്ളു. അങ്ങിനെയാണു കൊച്ചിയിലെ പത്രപ്രവർത്തനത്തിന്റെ ആധുനിക സ്ഥിതി നോക്കിയാൽ ഈ ബില്ലിന്റെ ആവശ്യം ഇല്ലെന്നു തീർത്തുപറയാം. അതിനാൽ ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നു.

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Dr. A. R. Menon.—I support these measures being enacted. Towards the conclusion of the speech of the Hon'ble Member for South Ezhuvas he appealed to this House that no Member should do anything which will destroy the value of this House, thereby implying that if any non-official Member were to uphold this measure that will be an act which will be calculated to lower the dignity of this House. I am satisfied that my general behaviour is as good as that of any Hon'ble Member in this House so far as this Bill is concerned. But this sort of insinuation should not deter a person from expressing what he feels. I hold that the people are under the lashes of these irresponsible editors who conduct this gutter press. The conductors of the gutter press are holding the people in a way at their mercy. I am one of those who clamoured against this atrocious rascality. These fellows think they represent public opinion. Do they represent public opinion? Is it a matter of public interest to know the value of a woman? Why, you are surprised! You should have taken action against it long ago. This measure is only intended to catch such pernicious rascals.

Mr. K. T. Mathew.—Is it a parliamentary word, Sir?

Deputy President.—It is not personal.

Dr. A. R. Menon.—A set of people who do rascalic action are rascals. Again I say this measure is intended to catch such pernicious rascals. They should not go unpunished when they do such bad things. Again a man who holds one of the highest places in the Indian Empire, a Brahmin gentleman, is called the son of a Muhamadan. They are always writing about what is taking place in this house and what is taking place in that building. They are published every week. The boys are going about the roads and asking the people to buy them for 1 anna, half anna, quarter of an anna and one pie. I am as anxious as any one else that the liberty of the Press should be safeguarded. But the difference is I am not at all anxious that half a dozen people should be empowered to make blood money by abusing people and black-mailing them. Even School boys are blackmailed, by threatening them that, 'we will write such and such things or give us five rupees'. Now you may ask why not these people go to the law courts. How can this Brahmin gentleman go to the law court and say that he is called the son of a Muhamadan? Is it not your duty to take action? You want to keep away from plague, cholera and such other diseases. But these papers are more poisonous than any of these diseases. These editors who pretend to create public opinion are the very people to inject this poison in the body politics.

Now as regards the legislation. It is only a wash out section. There is nothing to keep them in order. What do the

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Government say? You should give us your name. Is your name so bad that you are ashamed to give your name? If you are conducting an honourable paper it is an honour to give your name but when you are conducting one of the other papers you are not willing to give your name. You write deliberately to create mischief. Even then you are given an opportunity to defend yourself before you are convicted. Do these gentlemen give us any chance before they write these rubbish things? Even if we go to thelaw court it is very difficult to get a conviction of these people. In order to provide against these things it is essential that the Government should have in their armoury the necessary arrows to shoot at them as occasion arises. There is nothing to prevent the Government in passing these sections.

Another argument advanced by the Hon'ble Member for South Ezhuvasis that the powers vested in the Government are being abused. But if that gentleman can suggest any remedy to prevent this misbehaviour, it will be a proper thing to be incorporated in this section. I personally shall lend my vote when you put forth any such amendment. As it is I whole-heartedly support this measure.

Motion put and carried.

Secretary to the Council.—The title of the Bill is "The Bill to amend the Cochin Press and Registration of Books Regulation VIIof 1097".

Mr. Thomas Manjuran.— Sir, I move that a Select Committee consisting of the following members may be constituted to consider this Bill:—

1. Mr. P. Nilakanta Menon
2. Rama Varmha Tampuran
3. Mr. Thomas Manjuran
4. Mr. P. C. Varkey
5. Mr. K. Ayyappan
6. Dr. A. R. Menon, and
7. Mr. C. Barton Wright

Mr. C. J. Mathew.—I second it.

Mr. K. T. Mathew.—I propose the name of Mr. A. Sankara Poduval.

Mr. K. Ayyappan.—I propose the name of Mr. K. T. Mathew also.

Mr. Thomas Manjuran.—There is a rule that a committee should not consist of more than 7 members.

Deputy President.—But there have been committees with more than 7 Members.

Mr. Thomas Manjuran.—That rule has been subsequently amended.

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Deputy President.—Even after that we had Committees of 9 members. I don't think there is any objection.

Mr. Thomas Manjuran.—I submit that a month's time will be abundant because we have to consider only 2 or 3 provisions.

Deputy President.—I appoint the mover the Chairman of the Committee and the report is to be submitted within one month.

Bill to amend the Code of Criminal Procedure.

Mr. Thomas Manjuran.—I beg to move that the Cochin Code of Criminal Procedure be read in Council.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

Secretary to the Council.—The title of the Bill is "the Bill to amend the Cochin Code of Criminal Procedure."

Mr. Thomas Manjuran.—I further beg to move that a Select Committee consisting of the following members may be appointed:—

1. Mr. P. Nilakanta Menon
2. Rama Varmha Tampuran
3. Mr. K. Ayyappan
4. Mr. P. C. Varkey
5. Dr. A. R. Menon
6. Mr. C. Barton Wright
7. Mr. K. T. Mathew
8. Mr. A. Sankara Poduval and
9. The mover.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

Deputy President.—The mover will be the Chairman and the Committee is to report within a month.

Bill to amend the Penal Code.

Mr. Thomas Manjuran.—I move that the same Select Committee for the above two bills be appointed to consider this bill also.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

Deputy President.—The Government Advocate will be the Chairman and the Committee is to report within a month.

Resolutions.

1. Birth Control clinics (*contd.*)

Mr. Joseph Pettah.—Sir, I rise to oppose this resolution. This resolution or this proposal of introducing birth control clinics has been sought to be defended on various grounds some of them medical, others moral, others economic and so on. I do not feel bold enough to venture upon the medical grounds

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